

REMARKS/ARGUMENTS

The Applicant requests entry of this amendment to this application after final rejection. Claims are narrowed, no new claims are added, and no new issues are raised beyond those already raised by the Examiner. No new search should be required.

The Applicant notes that the claims are restricted to the optical modulator of Species A for purposes of this office action, in accordance with the response filed August 2, 2006.

Claims 1, 4-7 and 12-14 stand finally rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Accordingly, amendments have been made to the claims in line with the Examiner's remarks.

Claim 1 stands rejected under 35 USC 102(b) as being anticipated by Naniwae.

As describe on page 1 lines 5-7 of the present specification, the present invention relates to an optical module and an optical communication system that can be used to reduce an insertion loss in an optical transmission path.

In contrast, as disclosed in paragraph [0001] on page 1 of Naiwae, which relates to a multi-wavelength semiconductor light source and a process for producing the same, as well as to a semiconductor integrated device for providing multiwavelength light for white light using a plurality of LEDs, Naniwae can merely contribute to a reduction in cost and a reduction in size.

By narrowing amendments to claim 1, it is now more clearly articulated that the present invention includes a feature of a gain of the optical amplifying element that is so high that any insertion loss is completely compensated. Accordingly, amended claim 1 articulates a novel feature over Naniwae. and is therefore patentable.

Claims 4-7 and 12 stand rejected under 35 USC 103(a) as being unpatentable over Li in view of Mak. Inasmuch as claims 4-7 and 12 depend from claim 1, they should also be accepted as patentable as nonobvious.

It is noted that claims 13 and 14 are not rejected under Sections 102 and 103 and therefore are presumed to define patentable subject matter.

Appln. No. 10/713,777

Amdt. dated November 9, 2006

Amendment under 37 CFR 1.116 Expedited Procedure

Examining Group 3663

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (650) 324-6302.

Respectfully submitted,



Kenneth R. Allen

Reg. No. 27,301

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (650) 326-2400
Fax: (650) 326-2422
KRA:deh

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